IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1632 OF 2005
IN
W.P. NO.2020 OF 1993

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Ms.Lalita Panchakshari i/b Smt. Kiran Bhagalia for the Applicants.
Shri P.N.Joshi, adv. for the Respondent No.1.

CORAM: V.C.Daga, J.
DATE : 1st December, 2005.

P.C.:

1. **Rule** made returnable after four weeks.

2. This Application was filed on 18/10/2004 with undertaking to serve copy on the other side counsel. Thereafter, the matter was notified under objection showing that the copy was not served on the other side. Even that time undertaking was given to serve copy. Mr. Joshi, advocate appearing for the Respondent submits that the copy has been served today. With the result, he is not in a position to file reply to the Application. As a matter of fact, this Application is liable to be

dismissed for non-compliance of the undertaking given to this Court. However, dismissal of this Application may cause substantial prejudice to the Applicants who are seeking to come on record. The Applicants were seeking to come on record as legal heirs of the Respondent No.2. Mr.Joshi has no serious objection to allow this Application.

2. However, considering the peculiar facts of this case and non-compliance of the undertaking and the delay caused in moving Application, Civil Application is allowed subject to payment of cost in the sum of Rs.5,000/- to be paid to the Respondents from today within one week. Payment of cost shall be condition precedent failing which, Application shall stand automatically dismissed without reference to the Court.

(V.C.Daga,J.)